

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE:)	Chapter 11
)	
HARLOW N. HIGINBOTHAM,)	Case No. 18 B 31185
)	
Debtor.)	Hon. LaShonda A. Hunt
)	
)	Hearing Date & Time:
)	January 31, 2019 at 10:00 a.m.

NOTICE OF MOTION

TO: See Attached Service List

PLEASE TAKE NOTICE THAT on January 31, 2019, at 10:00 a.m., I shall appear before the Honorable LaShonda A. Hunt, or any other judge sitting in her stead, in Room 719, United States Courthouse, 219 South Dearborn Street, Chicago, Illinois, or any other Judge sitting in her place or stead, and request a hearing on the Motion To Authorize and Direct Debtor And Susan Higinbotham To Endorse Northern Trust Company Checks For Deposit And Authorize Debtor To Disburse To Susan Higinbotham, a copy of which is herewith served upon you.

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, hereby state that pursuant to Section II, B, 4 of the Administrative Procedures for the Case Management/Electronic Case Filing System, I caused a copy of the foregoing NOTICE OF MOTION and MOTION to be served on all persons set forth on the attached Service List identified as Registrants through the Court's Electronic Notice for Registrants, and, as to all other persons on the attached Service List by transmitting a copy of same *via* email transmission, on the 24th day of January, 2019.

/s/ Gregory K. Stern
Gregory K. Stern

Gregory K. Stern (Atty. ID #6183380)
Monica C. O'Brien (Atty. ID #6216626)
Dennis E. Quaid (Atty. ID #2267012)
Rachel S. Sandler (Atty. ID #6310248)
53 West Jackson Boulevard
Suite 1442
Chicago, Illinois 60604
(312) 427-1558

SERVICE LIST

Registrants Served Through The Court's Electronic Notice For Registrants

Patrick Layng, United States Trustee
219 South Dearborn Street
Suite 873
Chicago, Illinois 60604

Bradley S. Block
318 West Adams Street
17th Floor
Chicago, Illinois 60606

Deborah Ebner
William J. Factor
Jeffrey K. Paulsen
105 West Madison Street
Suite 1500
Chicago, Illinois 60602

Nathan Q. Rugg
Barack Ferrazzano Kirschbaum & Nagelberg LLP
200 West Madison Street
Suite 3900
Chicago, Illinois 60606

Shira R. Isenberg
Bianca E. Ciarroni
Freeborn & Peters LLP
311 South Wacker Drive
Suite 3000
Chicago, Illinois 60606

Sean T. Scott
Joshua R. Gross
Mayer Brown LLP
71 South Wacker Drive
Chicago, Illinois 60606

Parties Served By U.S. Mail

Harlow N. Higinbotham
1500 North Lake Shore Drive
Unit 13-C
Chicago, IL 60610

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HARLOW N. HIGINBOTHAM,)	Case No. 18 B 31185
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)	Hearing Date & Time:
)	January 31, 2019 at 10:00 a.m.

**MOTION TO AUTHORIZE AND DIRECT DEBTOR AND SUSAN HIGINBOTHAM TO
ENDORSE NORTHERN TRUST COMPANY CHECKS FOR DEPOSIT AND
AUTHORIZE DEBTOR TO DISBURSE TO SUSAN HIGINBOTHAM**

NOW COMES Harlow N. Higinbotham, Debtor and Debtor in Possession, by and through his attorneys Gregory K. Stern, Monica C. O'Brien, Dennis E. Quaid and Rachel S. Sandler and in support of his Motion To Authorize and Direct Debtor And Susan Higinbotham To Endorse Northern Trust Company Checks For Deposit And Authorize Debtor To Disburse To Susan Higinbotham, states as follows:

1. On November 5, 2018, the Debtor filed a Voluntary Petition for relief under Chapter 11 (the "Petition") of the Bankruptcy Code (the "Code").
2. The Debtor, as Debtor In Possession, has continued in possession of his property, pursuant to §§ 1107 and 1108, except that Neal H. Levin, Circuit Court Receiver has been excused from complying with 11 U.S.C. § 543(a) or (b); and, no committee, examiner or trustee has been appointed in this case.
3. This Court has jurisdiction over the Motion pursuant to 28 U.S.C. §§ 157 and 1334. Venue lies properly in this Court pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

4. Prior to filing the Debtor and Susan Higinbotham, his wife, maintained two (2) joint checking accounts at Northern Trust Company known as account numbers xxxx1987 and xxxx 6405 (the “Northern Trust Accounts”).

5. The Northern Trust Accounts were scheduled by the Debtor as having balances on deposit of \$73,020.00 and \$7,485.00 respectively.

6. At the request of the Debtor and subsequent to the Debtor’s Chapter 11 filing Northern Trust Company delivered checks to the Debtor in the amounts of \$77,741.87 and \$5,485.00, payable jointly to the Debtor and Susan Higinbotham (the “Northern Trust Checks”), and representing the majority of the funds on deposit in the Northern Trust Accounts. Copies of the Northern Trust Checks are attached hereto as Exhibit A and made a part hereof.

7. The Debtor seeks authority to endorse the Northern Trust Checks for deposit and to direct Susan Higinbotham as joint payee of the Northern Trust Checks to endorse the Northern Trust Checks for deposit.

8. After the Debtor and Susan Higinbotham’s endorsement of the Northern Trust Checks for deposit the Debtor seeks authority to deposit the Northern Trust Checks into his Debtor In Possession account at Associated Bank and to remit \$41,613.44, one-half ($\frac{1}{2}$) of the proceeds of the Northern Trust Checks, to Susan Higinbotham.

WHEREFORE, Harlow N. Higinbotham, Debtor and Debtor in Possession herein, requests that the Court enter an order as follows:

a) Authorizing and directing the Debtor to endorse the Northern Trust Checks for deposit;

b) Directing Susan Higinbotham as joint payee of the Northern Trust Checks to endorse the Northern Trust Checks for deposit;

c) Authorizing the Debtor to deposit the Northern Trust Checks into the Debtor In

Possession account at Associated Bank and to remit \$41,613.44, one-half (1/2) of the proceeds of the Northern Trust Checks, to Susan Higinbotham; and,

d) For such other further relief as is just and proper.

By: /s/ Gregory K. Stern
Debtor's Attorney

Gregory K. Stern (Atty. ID #6183380)
Monica C. O'Brien (Atty. ID #6216626)
Dennis E. Quaid (Atty. ID #2267012)
Rachel S. Sandler (Atty. ID #6310248)
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